

### **Board Meeting – April 19, 2005**

The Board held a regular meeting on April 19, 2005, in Mark Clark Hall, The Citadel, in Charleston, South Carolina.

It was noted for the record that official notification of the meeting had been sent to the Offices of LLR-Communications and Governmental Affairs and LLR-General Counsel; appropriate newspapers; WIS-TV; South Carolina Society of Professional Engineers (SCSPE).

Chairman Mitchell S. Tibshirany, P.E., called the meeting to order at 9:30 a.m. Other members present were Gaye Garrison Sprague, P.E., Secretary; Deborah J. Livingston, Public Member; Cecil Huey, Ph.D., P.E.; M.L. Love, P.E.; James O. (Pete) Gordon, P.E.; Gene L. Dinkins, P.E., P.L.S.; and A. Cleveland Gillette, P.L.S.

Also present were Jan Simpson, Board Administrator; Brian Oxendine, Administrative Assistant; Charlie Ido, Investigator; Todd Bond, Investigator; and Sharon Dantzler, Advice Counsel. Dr. Patrick J. Bresnahan represented Richland County.

Administrator Simpson reviewed the agenda.

**Where action is recorded below, it was taken in each case on motion duly made, seconded and carried.**

#### **Photogrammetry and GIS Issues—Patrick J. Bresnahan, Ph.D:**

This agenda item was moved up to accommodate Dr. Bresnahan's schedule. Dr. Bresnahan attended the meeting to address questions and concerns regarding licensure of photogrammetric and GIS surveyors in South Carolina. He had previously submitted a list of these questions to the Board for review. Member Gillette provided responses via fax prior to the meeting. Dr. Bresnahan asked that the Board issue formal statements of policy, where appropriate, to clarify these responses.

The Board will provide an official response to each of Dr. Bresnahan's questions, as submitted. Member Gillette and Dinkins will work with Sid Miller, PLS, to draft policies and/or interpretations as appropriate. The Board may ask for Dr. Bresnahan's input when final decisions are reached for exam administration for the new surveying disciplines.

#### **Next Meeting Date:**

The next meeting is scheduled for June 28-29, 2005, at the Board office in Columbia, SC.

## **Approval of February 22, 2005, Meeting Minutes:**

Members Huey and Gillette proposed changes to the minutes of the February 22, 2005, Board meeting minutes. The minutes from the February 22, 2005, meeting were approved with the recommended changes.

## **Committee Reports:**

Economic Growth Issues: Member Love reported that the Bill 368 passed the Senate and is currently being reviewed by the House. The bill's stated focus is to have the majority of engineering work and professional services for public works performed by individuals residing in South Carolina. Member Love stated that North Carolina has similar provisions.

Review of Statutes and Regulations: Member Sprague verified the list of changes the Board wants to make to the Code of Laws and the Code of Regulations. Chairman Tibshirany stated that he would like the Board to be ready to initiate changes at the start of the next legislative session. Advice Counsel Dantzler stated that she would need the final language on the proposed changes no later than October 2005 in order to file in November 2005. Administrator Simpson suggested that the changes be ready for review at the September 20, 2005, Board meeting. Chairman Tibshirany and she will meet with Dr. Castro to discuss developing an equivalency examination for applicants with non-EAC/ABET engineering programs.

## **Violations Report:**

The Violations report was moved up in the agenda to accommodate the investigators' schedules. Members expressed continuing concern with the lack of information provided in the new reporting format provided by the Office of Investigations and Enforcement. Investigator Ido offered to provide as much information as possible. The Board voted to enter executive session to discuss the cases presented in greater detail. In open session, the Board voted to close the following 12 cases:

2005-18;	2005-20;	2005-21;	2005-22;	2005-24;	2005-28;
2005-29;	2005-19;	2005-27;	2005-25;	2005-32;	04-180-3374

## **Committee Reports (continued):**

Photogrammetry/GIS Examinations, Surveyor Education: Members Dinkins and Gillette had nothing new to report. They are continuing to review applications submitted under the "grandfather" requirements. Member Gillette recommended that the Board use the Photogrammetric Surveying examination developed and administered by Jim Plasker's organization. The Board will need consultants to develop a four-hour GIS Surveying examination.

Career Guidance: Member Livingston reported that Keenan High School is a leader in promoting the profession of engineering due to heavy engineering concentration in its curriculum. The school will incorporate surveying aspects into its curriculum.

Practice in One's Area(s) of Expertise, Assistance with Economic Growth Issues: Member Gordon expressed concern over the fact that South Carolina does not currently license engineers by discipline. He recommended that the Board consider licensure by discipline, especially in the structural discipline. Such a change would require a change in both law and regulation.

Promoting Path to Licensure, Faculty Licensure: Member Huey reported that Clemson University has an Engineering Excellence Fund in place but that it is not a high priority. He will help arrange contact between the development officers at Clemson and USC.

#### **Applications:**

**Neil Michael Mayor.** Discussion of Mr. Mayor's application was moved up to accommodate his schedule. Mr. Mayor applied for reinstatement of his license as a Category A (unrestricted) Professional Engineer in South Carolina. Action on his application for licensure in Maryland is pending his active licensure in at least one state.

The Board questioned Mr. Mayor about his practice of engineering and why he allowed his license to lapse in South Carolina. The Board entered executive session to discuss Mr. Mayor's request. In open session, the Member Sprague moved that the Board reinstate Mr. Mayor's license. The motion was seconded by Member Gillette and carried. Member Dinkins voted against the motion. The Board also voted to issue a letter of caution to Mr. Mayor for the use of the title "PE" on correspondence even though he did not hold a current license in any jurisdiction.

**Cecil E. Talbott.** Administrator Simpson reported that Mr. Talbott has withdrawn his application for licensure as a professional engineer in South Carolina.

#### **Code Footprint:**

Administrator Simpson revised the cover letter previously sent to architects for distribution to Engineers; the Board accepted the revisions. The Code Footprint draft will be sent to in-state engineers. Bill Lafferty, PE, has agreed to tabulate the responses.

#### **Continuing Education (CE) Barriers:**

Administrator Simpson presented a licensee's letter outlining difficulties he encountered in meeting continuing education requires in Florida. He requested that the South Carolina Board issue a statement of approval for the continuing education activities in which he participated..

Because the South Carolina Board does not approve courses or course providers, the licensee's request cannot be granted. Instead, the Board agreed that the licensee can submit to a voluntary audit. If the licensee passes the audit, the results should satisfy Florida's continuing education requirements.

#### **New Education Consultant:**

Administrator Simpson presented the Board with an advertisement for the American Association of Collegiate Registrars and Admissions Officers (AACRAO). The organization offers evaluation services for foreign credentials. The Board declined to use the organization for evaluations. Chairman Tibshirany suggested that the Board consider looking for another Education Consultant, possibly from USC or The Citadel.

### **Revised Building Official Manual:**

Administrator Simpson reported that the Building Official Manual has been revised by the Board of Architecture and has requested that it be reviewed this Board. The Board would like a structural engineer, possibly Skip Lewis, to review the manual before it expresses an official opinion.

### **Seal Requirements for Multi-Family Dwellings:**

Administrator Simpson reported that there has been confusion among some building officials as to the actual sealing requirements for multi-family dwellings. She presented the Board of Architecture's guidelines regarding the issue. The Board voted to accept the language/interpretation that any structure three stories or higher or greater than 5000 ft<sup>2</sup> requires an engineer's seal (except building classified as assembly, institutional, educational or hazardous occupancies which all require a seal). Administrator Simpson and Advice Counsel Dantzler will draft the interpretation.

### **Sealing Consultants' Plans:**

This item was added to the agenda as 11(a). Administrator Simpson reported that questions have arisen as to the appropriateness of architects or engineers sealing a consultant's plans, especially in cases where the consultant is a specialty vendor (kitchen setup, dental office setup, etc.). These consultants provide the layouts of equipment and any necessary hook-ups as part of the total set of drawings.

### **Aerospace Engineering:**

This item was added to the agenda as 11(b). An individual contacted the Board office to determine whether or not licensure was required for an "aerospace engineer." He claimed that he and his profession was regulated by the federal government and the FAA in particular. He did not feel state licensure was required. The Board would like to investigate how the federal government and the FAA qualify these engineers.

### **Board Sub-committee:**

This item was added to the agenda as 11(c). Administrator Simpson asked that the Board form a sub-committee to respond to inquiries received in the office that cannot be answered by staff. Members Love and Dinkins agreed to serve on this committee. They will provide responses to staff who will forward them to individuals as appropriate.

Chairman Tibshirany reported that William G. "Rickey" Adair, an applicant for category A licensure, is posting to NSPE forums. Some of the information contained in the electronic messages is inaccurate. The Board discussed drafting a response to Mr. Adair. Advice Counsel Dantzler will assist Chairman Tibshirany in outlining an appropriate response.

### **Policy Review:**

The COA and Temporary Permit policies did not require revision. The Board interpretation of sealing "As-Built" drawings should be changed. "As-Built" should be changed to "Record" throughout the interpretation. Also, the title should be amended to include "other utilities." The amended versions will be sent to Board members for review.

### **Southern Zone 2005:**

The Southern Zone meeting will be held on May 5-7, 2005, in Oklahoma City, OK. Chairman Tibshrary will run for the office of Zone Vice President. Administrator Simpson will check on the eligibility of Jim McCarter to be nominated for the Distinguished Service/Member Award.

### **Ambassadorship:**

The Board plans to continue meeting on campuses across the state throughout the year. The next campus visit will be at Clemson University on September 20-21, 2005. Member Tibshrary expressed interest in finding out whether or not numbers of FE examinees have been affected by campus visits.

Member Tibshrary reported that the efforts to develop a joint engineering curriculum between USC and SC State University continue. The last item requiring resolution was the name of the school that would appear on the degree, an issue that could affect funding for each school. The President of SC State was adamant that only that school appear on the degree. Participants anticipated resistance to that option from other schools.

### **Report of Board Administrator:**

Administrator Simpson provided licensure statistics. She reported that the Board has moved to a universal licensing database within LLR. Staff is coping well with the change.

Application forms have been revised to include a section about past criminal history and disciplinary action by other state boards. The new forms will go into effect immediately. Member Sprague asked that forms be revised to include explicit instructions for documenting experience gained under indirect supervision.

In the future, the Board will receive application presentations at meetings rather than schedule separate hearings. If an application is denied and the applicant does not accept the decision, a hearing will be scheduled.

The meeting adjourned at 3:00 p.m.

Respectfully submitted,

Brian Oxendine  
Administrative Assistant